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SPECIAL POLITICAL AND
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(FOURTH COMMITTEE)
3rd meeting
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Tuesday, 12 October 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. KALPAGE (Sri Lanka)

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ORGANIZATION OF WORK

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The meeting was called to order at 10.25 a.m.

ELECTION OF OFFICERS (continued)

1. The CHAIRMAN announced that consultations were still being held on the election of the other Vice-Chairman and that the Committee would review the matter at the appropriate time. He had been informed that the consultations were close to a satisfactory conclusion.

REQUESTS FOR HEARINGS (A/C.4/48/2 and Add.1-2; A/C.4/48/3; A/C.4/48/4 and Add.1)

2. The CHAIRMAN drew attention to six communications containing requests for hearings, three relating to Western Sahara (A/C.4/48/2 and Add.1 and 2). He took it that the Committee wished to grant those three requests.

3. It was so decided.

4. The CHAIRMAN informed the Committee that a request for a hearing relating to the specialized agencies had been received (A/C.4/48/3). He took it that the Committee wished to grant that request.

5. It was so decided.

6. The CHAIRMAN drew attention to the last two requests, relating to New Caledonia (A/C.4/48/4 and Add.1). He took it that the Committee wished to grant those two requests.

7. It was so decided.

AGENDA ITEM 18: IMPLEMENTATION OF THE DECLARATION ON THE GRANTING OF INDEPENDENCE TO COLONIAL COUNTRIES AND PEOPLES (Territories not covered under other agenda items) (continued)

Hearing of representatives of Non-Self-Governing Territories

8. The CHAIRMAN recalled that at the Committee's 2nd meeting he had informed the members that the representative of the Governor of Guam wished to speak at the current meeting. If the members agreed and in accordance with the usual procedure, he suggested that the Committee should invite her to make a statement.

9. It was so decided.

10. The CHAIRMAN announced that the Prime Minister of Gibraltar was present and wished to make a statement at the current meeting. If the members agreed and in accordance with the usual procedure, he proposed that the Committee should invite him to make a statement.

11. It was so decided.

Question of Guam (A/AC.109/1173)

12. At the invitation of the Chairman, Mrs. Pangelinan (on behalf of the Governor of Guam) took a place at the table.

13. Mrs. PANGELINAN, speaking on behalf of the Governor of Guam, referred to the draft resolution on Guam contained in section B of document A/AC.109/1173, which the Special Committee on decolonization had submitted for the consideration of the Committee. The draft resolution was a marked improvement over the measures approved by the Committee in the two previous years, because it not only contained information on the social, economic and political situation in Guam but also included elements that reflected the discussions held or proposed to be held with the administering Power regarding the aspirations of the people of Guam for political status. The current draft resolution also took note for the first time of the situation in Guam with respect to immigration into the Territory.

14. However, she wished to explain and clarify certain aspects of the draft resolution, and propose an amendment that was appropriate given the events that had occurred since the Special Committee's adoption of its resolution and to reiterate a long-standing recommendation.

15. The second preambular paragraph referred to the negotiations on the closure of the Agaña Naval Air Station, originally proposed by the Government of Guam in 1989. Subsequent to the meeting of the Special Committee, the President and Congress of the administering Power had approved the recommendation made by the independent Base Relocation and Closure Commission. She therefore suggested that the second preambular paragraph of the draft resolution should be replaced by the following new paragraph:

> "Noting that, pursuant to the request of the Government of Guam and the recommendation of the independent base closure commission of the administering Power, the administering Power has approved of the closure of aviation activities at the Agaña Naval Air Station,".

16. With regard to the fourth preambular paragraph, implementation of the administering Power's programme of transferring federal land was progressing very slowly. At a hearing held recently by the United States Congress with the aim of transferring over 3,000 acres of land to Guam, both the Department of Defense and the Department of the Interior of the administering Power had expressed strong reservations.

17. She noted the importance of the sixth preambular paragraph, referring to immigration into the Territory, and further noted that the inclusion of the paragraph in the draft resolution was in accordance with the provisions of General Assembly resolutions 35/118 and 40/42, which urged administering Powers to avoid any systematic influx of immigrants into Non-Self-Governing Territories. For the Chamorro people, continued immigration into their native land was cause for grave concern. The Chamorro people must be granted sovereignty so as to be able to determine the ultimate political status of the island, in accordance with the provisions of General Assembly resolutions 1514 (XV) and 1541 (XV).

(Mrs. Pangelinan)

18. Regarding the sixth preambular paragraph, she trusted that a special representative of the President of the administering Power would shortly be appointed to participate in the talks on self-determination for Guam. Such an appointment would allow initiation of talks with the administering Power at the highest level on the substance of the democratic proposal by Guam regarding the political status of the Territory.

19. With respect to the penultimate preambular paragraph of the draft resolution, which referred to the fact that in the referendums held in Guam in 1987 the people of Guam had endorsed the decision to establish with the administering Power an interim political relationship termed "Commonwealth", she noted that the reference was too abridged. In fact the act establishing a Commonwealth relationship approved by the people of Guam called for the introduction of sweeping changes in the power structure, including recognition of the right of the people of Guam to consent to future actions of the administering Power. Lastly, the Commonwealth Act called on the administering Power to recognize the inalienable right of the Chamorro people to self-determination and decolonization of their homeland.

20. Without entering into a detailed analysis of each operative paragraph of the draft resolution, she wished to comment on the wording of paragraphs 1 and 4. In paragraph 1, the word "should" should be replaced by "would" or "does", since the use of "should" suggested that the exercise by Guam of the right to self-determination might be mitigated by the military interests of the administering Power. Yet any restriction on the right to self-determination infringed international standards and violated paragraphs 2 and 4 of part A of the consolidated resolution adopted by the Special Committee.

21. With regard to paragraph 4 of the draft resolution on Guam, she noted that the text was almost identical to that of the Port Vila Declaration, adopted on 10 September 1993 as part of the preparations for the 1994 International Conference on Population and Development. The paragraph requested, for the first time in a draft resolution on Guam, the taking of measures to respond to the concerns of the territorial Government with regard to the immigration issue, a request that accorded with the position on migration to Non-Self-Governing Territories of the international community.

22. In August 1993 the Congress of the administering Power had held hearings on the right to self-determination of the peoples of the Non-Self-Governing Territories under its administration. Members of the Guam Commission on Self-Determination had been invited to take part in the hearings and to state the views of the people of Guam. She applauded that initiative, which opened up the process that would allow discussion of the rights of the Territories in the light of the international obligations assumed by the administering Power.

23. Mrs. Pangelinan withdrew.

Question of Gibraltar

24. At the invitation of the Chairman, the Honourable J. J. Bossano, Chief Minister of Gibraltar, took a place at the table.

25. Mr. BOSSANO (Chief Minister of Gibraltar) recalled that since 1967 no Chief Minister of Gibraltar had addressed the Fourth Committee. In December 1967 the Chief Minister of Gibraltar had addressed the Fourth Committee to urge it not to reject the results of the referendum held in September of that year. Throughout the 1960s the question of the British military presence in Gibraltar had been a frequent element in debates in the Fourth Committee and the Special Committee on decolonization.

26. In 1967 the economy of Gibraltar had been dependent to a high degree on British military expenditure, but that was a different world to 1993. It was a world divided into blocs, at the height of the cold war. In December 1967 the representative of Spain had condemned, before the Fourth Committee, the holding of the referendum, since in his view its aim was to perpetuate the colonial regime with the approval of the loyal subjects of the Queen in Gibraltar. In exercise of the right of reply, the representative of the United Kingdom had noted that Spain had always clearly indicated to the United Kingdom that independence for Gibraltar would breach the Treaty of Utrecht, and had then asked the representative of Spain if his Government would accept the granting of independence to Gibraltar. The representative of Spain had replied that the United Kingdom should remove its military base, following which the delegation of Spain would be prepared to reply to that and any other question which the representative of the United Kingdom might wish to put.

27. He urged the members of the Fourth Committee to review carefully the changes which had occurred in Gibraltar over the 26 years since an official from the Territory had last appeared before the Committee.

28. The military base had been dismantled, not so that Spain might reply to the question asked in December 1967 regarding independence for Gibraltar, but because the interests of the United Kingdom no longer required a large military presence in Gibraltar. As a result of that step the people of Gibraltar had had to reorganize their economy and now continued to develop it, despite the fact that military expenditure comprised only 10 per cent of national income and was still declining. The substantial British military presence in Gibraltar had both ceased to be a deciding factor in the equation and to represent, if it ever had, a threat to the neighbouring country.

29. The sense of identity of the people of Gibraltar had grown and deepened. The people of Gibraltar loved their homeland and sought recognition of their identity by the family of nations. Expression of such sentiment had culminated in the government decision, in 1993, to declare 10 September the national day. On that occasion, which coincided with the 26th anniversary of the 1967 referendum, 16,000 of the 20,000 indigenous inhabitants had taken part in a peaceful celebration.

30. That referendum, which neither the Fourth Committee nor the Special Committee had found acceptable, had represented the first attempt by the administering Power to consult the indigenous population of Gibraltar on their future. Nevertheless, the referendum had offered a limited choice. In effect no one could limit the right to self-determination by dictating to a colonial people how they should exercise that right.

(Mr. Bossano)

31. The Committee would recall that, also in 1967, Anguilla had freely and democratically decided to secede from the new post-colonial State of Saint Kitts and Nevis and return to a colonial relationship with the United Kingdom of Great Britain and Northern Ireland. The Fourth Committee had accepted that restoration of the colonial relationship. Accordingly the people of Gibraltar could not understand the criticism of their decision not to unite with Spain. They had the right to be accorded the same treatment by the United Nations as any other Non-Self-Governing Territory.

32. On 10 September various Spaniards, including some members of the Association of Spanish Friends of Gibraltar, had joined him on a public platform to declare that the people of Gibraltar were entitled to have their right to self-determination recognized. It was an extraordinary event, since the United Kingdom had vehemently defended the right to self-determination of virtually all its former colonial Territories except Gibraltar, apparently in order not to upset its bilateral relations with Spain. Spanish participation in the National Day was very encouraging. It reflected a change in Spain, where the concept of self-determination for Gibraltar was no longer anathema. The reason for the change was that that country was currently a democracy, which it had not been in 1967.

33. Gibraltar wished to live in peace and harmony with Spain and to have trade with its neighbour. It had no aspirations to dominate Spain, and it expected not to be dominated itself. The United Nations had accepted Andorra as a country, rather than considering it a fragmentation of French territorial integrity. Spain, which had recognized the independence of Andorra, could well have been expected to recognize that of Gibraltar also.

34. The King of Spain had reflected his country's new attitude in his address to the General Assembly in 1991. He had said that a solution should be found to the problem of Gibraltar in accordance with modern times. Spain would therefore have to come to terms with the reality of Gibraltar and review its attitude to be consistent with its attitude internationally, instead of repeating outdated arguments from 26 years previously. The Special Committee on decolonization, the Fourth Committee and the General Assembly also had an obligation to review their historic positions; the modern world was no longer divided into mutually hostile blocs with military bases, as in 1967.

35. The only argument of the administering Power against the self-determination of Gibraltar had been that according to the Treaty of Utrecht of 1713 the United Kingdom was obliged to give Spain first choice of any change of sovereignty in Gibraltar. Spain shared that argument, but did not promote it as the primary reason for its position on Gibraltar. The United Kingdom, meanwhile, had never accepted Spain's argument on the restoration of its territorial integrity.

36. Gibraltar differed from the United Kingdom on the Treaty of Utrecht. The International Court of Justice had said in 1971, in relation to the South African presence in Namibia, that international law with regard to Non-Self-Governing Territories, as contained in the Charter, had developed in such a way as to make the principle of self-determination applicable to all such Territories; and Gibraltar was one such. The Court had also said in 1975, in

(Mr. Bossano)

relation to Western Sahara, that the principle of self-determination applied to all Non-Self-Governing Territories.

37. General Assembly resolution 2734 (XXV), paragraph 3, had established that priority should be given to the principle of self-determination over bilateral agreements. It stated that in the event of a conflict between obligations under the Charter and obligations under any other international agreement the former should prevail.

38. In Gibraltar's opinion, that applied even more strongly in the case of an obsolete treaty dating from 1713. The United Kingdom was wrong in thinking that Gibraltar's right to self-determination was constrained by a treaty from a time when such a right was not recognized for anybody. He asked why Gibraltarians should be the only people who were denied the right to self-determination because of a treaty, if at the time of its signature nobody enjoyed that right.

39. As for the argument put forward by Spain that the right to self-determination should not be conducive to breaking up the territorial integrity of any Member State of the United Nations, he said that the decolonization of Gibraltar would not result in the territorial dismemberment of Spain. He could therefore not accept the opinion expressed at the General Assembly by Mr. Javier Solana on 1 October 1993 that the negotiations proceeding between Spain and the United Kingdom should be based on the doctrine established by the General Assembly, whereby the decolonization of Gibraltar was not a case of self-determination, but the restoration of Spain's territorial integrity. No such doctrine existed, in his view. Restoring the territorial integrity of Spain to the way it had been in 1713 was not the doctrine of the United Nations.

40. All the colonial territories that had achieved self-determination had created a situation different from that which had existed prior to colonialism. Indeed, when the development of imperialism and colonialism had established new populations in new territories, it had done so by fragmenting what had existed before.

41. Gibraltar had undoubtedly formed a part of Spain in 1703, but Portugal had also at one time been part of Spain and many Territories had in the past been part of something else. The United Kingdom, not Gibraltar, had fragmented Spain in 1704. The United Nations had very recently recognized the fragmentation of the former Czechoslovakia, which had not been a colony. Gibraltar could not accept that because it was a colony it should be less well treated than countries that were not colonies. To accept the self-determination of Gibraltar would not fragment Spain, but would perpetuate the fragmentation that had existed since 1704.

42. Gibraltar had not come before the Fourth Committee to ask for a concession, but to demand a basic human right which had been acknowledged in the case of hundreds of thousands of people when the British empire became the Commonwealth. It was pointless to pass resolutions every year in which the administering Power and the neighbouring country were requested to hold negotiations. The only important matter was to honour the wishes of the inhabitants of Gibraltar, not the interests of the United Kingdom and Spain.

(Mr. Bossano)

43. The greatest contrast in the way that the decolonization of Gibraltar as opposed to other Territories had been focused was to be seen in Mr. Solana's speech to the General Assembly on 1 October 1993, when he had extended a warm welcome to Andorra, which had recently held a referendum.

44. He thought it sad that Spain could not adopt the same attitude towards Gibraltar. He recalled that Mr. Solana had described Andorra as a neighbouring country to which Spain was linked by special historical and cultural ties and deep friendship. Gibraltar was also a neighbouring country and also had historical and cultural ties with Spain, but regrettably not deep friendship. However, he looked forward to the day when friendship could also exist between their two countries and when Mr. Solana could extend a welcome to Gibraltar at the General Assembly, as he had to Andorra.

45. Mr. Bossano withdrew.

Hearings of petitioners

Question of Western Sahara (A/C.4/48/2/Add.1 and Add.2)

46. At the invitation of the Chairman, Mr. Boukhari (Frente POLISARIO) took a place at the petitioners' table.

47. Mr. BOUKHARI (Frente POLISARIO) said that the lengthy process of decolonization in Western Sahara had been thwarted by the Kingdom of Morocco 18 years previously and that since that time a war of extermination had been waged against a peace-loving and defenceless people.

48. The Saharan people continued the struggle in the hope that sooner or later the international community would shoulder its responsibility to ensure that the decolonization process in Western Sahara was completed by guaranteeing the right of its people to exercise its right to self-determination, not only as a reaffirmation of an essential principle of the United Nations Charter, but because such an act of aggression presented a serious threat to the security and stability of the African continent.

49. After ten years of war, the work of the United Nations and the Organization of African Unity had led to the drawing up of a settlement plan by both sides and by the Security Council. According to that plan, a referendum on self-determination was to be organized to enable the Saharan people to choose freely between independence or integration with the administering Power.

50. The Saharan side had accepted the presence of a large part of the Moroccan army and tens of thousands of Moroccan settlers during the referendum. If its country had accepted the challenge and made such concessions, it had been out of the confidence shown in it by the international community represented by the United Nations and OAU, notwithstanding the presence of Morocco in the country, which was illegal according to international law, the Charter of the United Nations and the Charter of OAU.

51. The acceptance of the peace plan by both sides in the conflict and its adoption by the Security Council, in accordance with resolution 658 (1990)

(Mr. Boukhari)

and 690 (1991) had been welcomed by the international community. The General Assembly had approved the necessary budget for the operation, established a timetable, authorized funds and provided civilian and military units.

52. The referendum scheduled for January 1992 had not, however, been held. As soon as MINURSO had started the deployment of its observers, after the cease-fire of 6 September 1991, the Kingdom of Morocco had changed its position, calling in question the crux of the settlement plan, that is to say the issue of the electorate for the referendum. In paragraph 61 of the plan (S/23160), which both sides had negotiated and accepted, it had been established that all Western Saharans counted in the 1974 census undertaken by the Spanish authorities and aged 18 years or over would have the right to vote, whether currently present in the Territory or outside as refugees for other reasons. The Moroccan side, however, had presented a list of 120,000 Moroccan citizens, double the number of the Saharan voters, and had demanded their participation in the referendum. Morocco had made and continued to make the implementation of the settlement plan conditional on acceptance by the United Nations, OAU and the Frente POLISARIO of a result that had been falsified in order to legitimize the illegal annexation of Western Sahara.

53. Immediately after informing the Secretary-General that it had accepted the terms of the cease-fire agreement, Morocco had proceeded to violate that agreement before it had entered into effect and had continued to do so up to the present. The occupied areas of the Territory had been in a virtual state of siege, and journalists and humanitarian and non-governmental organizations had been forbidden entry. The Moroccan side had opposed the participation of OAU, which had been a co-author of the plan, in the peace process of Western Sahara. It was also well known that the United Nations military observers had run up against difficulties and threats as a result of the deliberate attitude of the Moroccan authorities in Western Sahara. The Identification Commission had until the present been unable to begin its work, despite its clear mandate from the Security Council.

54. He reiterated the Saharan people's deep respect for the letter and spirit of the settlement plan as well as its willingness to continue cooperating with the efforts of the Secretary-General. It had been in the same spirit that Frente POLISARIO had come to Laâyoune on 17 July 1993 in order to begin a direct dialogue with Morocco under the auspices of the United Nations.

55. The international community, the United Nations and OAU had an inescapable responsibility to support the peace effort, and the Saharan people trusted that all concerned would intensify their efforts to guarantee the right of that people to exercise its inalienable right to self-determination and independence.

56. It was essential for the referendum for self-determination that all guarantees should be provided in order for the result to be the free and sovereign expression of the people of Western Sahara. It was important that impartiality and transparency should guide the decolonization process with a view to discouraging all forms of fraud in the referendum, since the credibility of the United Nations, the destiny of an entire people, and the peace, stability and security of that part of the African continent were at stake.

(Mr. Boukhari)

57. Finally, congratulations were extended to the Government of South Africa and the African National Congress of South Africa for the progress achieved in the dialogue that had been initiated in the interests of building a democratic and non-racist South Africa. Congratulations should similarly be extended to the Palestine Liberation Organization and to Israel on the signing of the Washington agreements, which opened the doors for a just and definitive solution of the Palestinian-Israeli conflict.

58. Mr. Boukhari withdrew.

59. At the invitation of the Chairman, Ms. T. K. Smith de Cherif (Sahara Fund Inc.) took a place at the petitioners' table.

60. Ms. T. K. SMITH DE CHERIF (Sahara Fund Inc.) said that the Sahara Fund was a non-profit-making organization which concerned itself exclusively with welfare, education, culture and research relating to Saharan Africa.

61. Since the adoption of Security Council resolution 809 (1993), Morocco and the Frente POLISARIO had held unprecedented negotiations in Laâyoune. Cease-fire violations, a deterioration in the human rights situation and revelations concerning fraudulent practices were indications that there were ongoing efforts to turn the United Nations settlement plan into a parody of a Moroccan election. The possibility of the actual conduct of a free and just referendum for the Saharan people, as scheduled for January 1992, therefore seemed remote as long as the United Nations was stacking the odds in favour of Morocco.

62. In September 1992, when the parties to the conflict had been requested to provide written guarantees with respect to the possible results of the referendum, Morocco had clearly defied the United Nations by announcing that general and local elections would be held in Morocco and in Western Sahara. Instead of explicitly condemning Morocco's rebuff to the efforts that were being made to achieve a settlement on the future of Western Sahara, the Secretary-General had merely requested Morocco to ensure that the voting would be without prejudice to the definitive status of Western Sahara. Despite his formal assurance to the contrary, King Hassan had announced on 8 September 1992 that Western Sahara would become an autonomous region of Morocco and that its development would have priority over that of other regions. Finally, on 16 October 1992 and 25 June 1993, respectively, local and legislative elections had been held under the United Nations flag. It was thus clear that Morocco intended to retain possession of Western Sahara at all costs.

63. On 28 October 1992, Mr. Yaqub-Khan had proposed as a last resort that consultations should be held with the Saharan tribal chiefs with a view to resolving the issue of voter eligibility. On 30 November, 38 tribal chiefs (19 from each party) had travelled to Geneva. The Frente POLISARIO had suggested that each party should permit 12 chiefs officially recognized by the United Nations to negotiate. Morocco had refused and the meeting had been cancelled. Mr. Yaqub-Khan had later issued a surprisingly partisan communiqué in which he had attributed the blame for the failure to the Frente POLISARIO.

(Ms. T. K. Smith de Cherif)

64. She was deeply concerned over the human rights violations committed in Western Sahara, which had increased since the cease-fire. They included the attack by Moroccan security forces on the Assa oasis, the imprisonment of demonstrators who had been prosecuted without the benefit of a defence attorney, and the torture to which some of the accused had been subjected. In October and November 1992, in Smara and Laayoune, Moroccan forces had brutally suppressed peaceful demonstrations of Saharan citizens and had blocked those demonstrators who had attempted to seek asylum in the regional office of the United Nations at Smara. In March 1993, Amnesty International had confirmed that the Moroccan authorities had detained hundreds of Saharans. Nevertheless, upon investigating the matter, Mr. Yaqub-Khan had been unable to confirm that any violation of human rights had taken place. Despite the overwhelming proof to the contrary, the so-called "finding" of the United Nations merely suggested that there might have been negligence on the part of the Organization in safeguarding the civilian population of Western Sahara or complicity with the Government of Morocco.

65. In January 1993, the United Nations Secretary-General had issued a new report in which he had outlined three options for breaking out of the impasse that had developed in the situation in Western Sahara. Following those proposals, the Security Council, in its resolution 809 of 2 March 1993, had decided that negotiations over Western Sahara should continue. However, the resolution had also requested the Secretary-General to take a much more direct role in seeking to reconcile the different views on the criteria that should be used to update the 1974 census. Consequently, the Secretary-General, who had been instructed by the Security Council to resolve the issues relating to the criteria, had visited the region in May and June 1993. During that visit, he had referred to a "secret" formula for achieving a solution to the problem of the criteria, which had later been issued as document S/26185. Morocco's official reply had been that there was no possible solution or compromise and it had insisted that no fewer than 170,000 persons should be included in the plebiscite. For its part, the Frente POLISARIO had sought clarification on a number of questions.

66. The fact that the Secretary-General had warned that he would apply his formula in the manner in which he had presented it if the parties did not reach an agreement, that under the so-called compromise 90 per cent of Morocco's demands had been met, and that the Secretary-General had demonstrated much more interest in his talks with Morocco than with the Frente POLISARIO, were clear indications of wilful discrimination against the Frente POLISARIO. As for the proposals of July 1993, the increase in the voters' list should be limited to approximately 15 per cent of Spain's 1974 census and should include only those persons who could provide written evidence that they had resided in the former Spanish Sahara. In order to prevent fraud, the United Nations should rely on oral testimony provided by tribal chiefs only in extreme cases and should, moreover, request such testimony only from chiefs who had been elected by the Saharan people in 1973.

67. She wished to suggest, finally, that suitable definitions should be established for the concept of tribe and tribal subfractions on the basis of ties to the Territory, which was the only way in which the right to self-determination could be respected.

(Ms. T. K. Smith de Cherif)

68. On 1 July 1993, the Secretary-General had announced that Morocco and the Frente POLISARIO would begin direct negotiations on 15 July at Laâyoune. Despite three hours of direct talks, there had been no genuine dialogue at the meeting, owing, inter alia, to the fact that the Moroccan side had unilaterally decided to transform the meeting into an assembly of tribal chiefs. The inequality of authority and powers of the delegations had thus made it impossible for an agreement to be reached between governments, as had been agreed. Nevertheless, since a dialogue had been initiated and an agreement reached to meet again, the talks at Laâyoune could not be considered a failure.

69. In conclusion, she said that Morocco had been the principal obstacle to the successful completion of the United Nations Mission for the Referendum in Western Sahara (MINURSO). In the view of the Saharan people, the United Nations had practically abandoned its impartiality and, consequently, its ability to function as an arbiter. The abandonment of the original peace plan could possibly force the Saharan people to resume the war, which would be a tragedy.

70. Ms. T. K. Smith de Cherif withdrew.

71. Mr. SNOUSSI (Morocco), speaking in exercise of the right of reply, said that the previous speaker's comments on MINURSO and on the Secretary-General, in which she had accused the United Nations of complicity and negligence, were both sad and laughable. The attitude of the United Nations in the matter had been above reproach and Morocco continued to respect the prestige and authority of the Organization. The comments of Ms. Smith on the meeting at Laâyoune could not be taken seriously.

72. At the invitation of the Chairman, Ms. D. Smith (Western Sahara Awareness Project) took a place at the petitioners' table.

73. Ms. D. SMITH (Western Sahara Awareness Project) said that the objective of her organization was to promote greater awareness of the little-known conflict in Western Sahara and to increase understanding of the situation there and of the struggle of the Saharan people, in order to establish ties of friendship with the people of the United States.

74. Her organization defended the right of Saharans to freely exercise their right to self-determination, a principle which had been recognized in General Assembly resolution 1514 (XV) and reaffirmed in the opinion of the International Court of Justice of 16 October 1975.

75. The United Nations Settlement Plan for Western Sahara was the only legitimate and viable framework for achieving a just, peaceful and lasting solution to the conflict. Over the previous few years, the situation seemed to have reached an impasse. The Government of Morocco considered that the Frente POLISARIO was to blame for that situation, but an examination of the facts indicated otherwise. The Frente POLISARIO had initially objected to the criteria proposed by the former Secretary-General for determining voter eligibility, but had later decided to accept them. The Frente POLISARIO had also accepted the condition imposed by Morocco for the acceptance of oral testimony as a valid basis for establishing the identity of voters, provided that such testimony could be corroborated by other means.

(Ms. D. Smith)

76. Those conditions reflected the sincere desire of the Frente POLISARIO to resolve the conflict within the framework of the United Nations plan. For its part, however, the Government of Morocco had resorted to a strategy of publicly accepting the peace plan while, at the same time, attempting by all means to prevent its implementation.

77. The aim of the United Nations peace plan was to defend the right of the Saharan people to self-determination. The delay in putting the plan into effect had caused the Saharan and Moroccan peoples immeasurable suffering and anguish. In the south-west of Algeria, about 200,000 Saharan refugees continued to live in difficult conditions; the Moroccans, for their part, had found themselves obliged to pay the costs of the occupation at the expense of their own national development. All around the main towns of Western Sahara were vast masses of population living in army tents and MINURSO had no access to them. The United Nations was practically invisible in the occupied territories and many Saharans had "disappeared". The Moroccan armed forces and police continued to detain and imprison people and subject them to torture.

78. She then described her visit to a refugee camp in the summer of 1993, where she had been able to verify that the Moroccan accusation that human-rights abuses were being committed in the camps was wholly baseless. In her opinion, the Saharan refugees were building a society based on democratic values.

79. On behalf of the Western Sahara Awareness Project, she appealed to the sense of justice embodied in the United Nations Charter and urged the Organization to show its sense of international justice and chart a course whereby the international community could bring the conflict in Western Sahara to a peaceful conclusion.

80. Lastly, she recommended that no unilateral solution should be imposed on either party, that direct negotiations should be arranged between them in order to overcome the obstacles that existed, that the voter selection procedure should be transparent and that the United Nations should ensure that the referendum was held in an atmosphere free from coercion and intimidation. The United Nations must demonstrate clearly to both parties that the violation and non-fulfilment of those conditions would lead to strong action, including sanctions.

81. Ms. D. Smith withdrew.

Question of New Caledonia (A/C.4/48/4 and Add.1)

82. At the invitation of the Chairman, Mr. Yann Céléné Uregei (Congrès Populaire) took a place at the petitioners' table.

83. Mr. UREGEI, speaking on behalf of the Congrès Populaire of New Caledonia, reiterated that organization's opposition to the plan to divide the Territory into three provinces. He said that 89 per cent of the European inhabitants and nearly all the corporations and businesses in the Territory were concentrated in one of the provinces, while the other two, which had a Kanak majority favouring independence, had a rural economy dependent on the south, where the people opposed independence. Thus, the plan had within it the seeds of separatism.

(Mr. Ureqei)

84. The Kanak people could expect nothing from the Matignon Agreements, since they denied them the right to decide their own future freely and relegated the prospect of independence to an indefinite future, making it dependent on a referendum planned for 10 years later in which the Kanak people would continue to be a minority. In addition, the Kanak people were currently confronted with the new problems caused by the French Government's massive financing of the Territory. It could be stated, therefore, that, after four years of implementing the Matignon Agreements, the social problems of the Kanak people were unchanged.

85. Given the results of the legislative elections held recently throughout the Territory, it was possible that the right wing would obtain a majority in all three provinces in the provincial elections of 1995, which would enable the Rassemblement pour la Calédonie dans la République (PCR), with the assistance of the new Government, to impose the consensus on status. It could be assumed that the trend against independence would accelerate, given the new majority in power in France.

86. With that in mind, the first Congrès Populaire had been held in the area of Kumo Drehu, on 24 September 1992, with the purpose of defending the principle that, in a people's democracy, built on the foundation of Kanak communal society and respect for traditional structures and values, power belonged to the people. The Congrès Populaire, established with the support of the traditional chiefs, aimed to restore the unity of the Kanak people which had been destroyed by the political parties.

87. He then read out the text of a declaration unanimously approved by the Congrès Populaire reaffirming the right of the Kanak people to fight for socialist independence and recognition of their traditional identity, based on their own cultural values, recognizing them as the only rightful owners of the Kanak country and all its natural resources, and proclaiming their right to self-determination, dignity and freedom and the restitution of all their lands, with a view to the restoration of the territorial integrity of the Kanak country.

88. Under articles 74 and 75 of the Constitution of the Fifth French Republic, the President of the Republic should recognize the sovereignty of the Kanak people, as part of the International Year of the World's Indigenous People.

89. Mr. Ureqei withdrew.

90. At the invitation of the Chairman, Mrs. Winslow (Front de libération nationale kanake socialiste) took a place at the petitioners' table.

91. Mrs. WINSLOW, speaking on behalf of the Front de libération nationale kanake socialiste, emphasized the importance of General Assembly resolutions 1514 (XV) and 1541 (XV) to the colonized people of New Caledonia.

92. The vast majority of the Kanak people were in favour of independence. That national feeling was irreversible, despite all the attempts of the French Government and its local allies to deny or minimize it.

(Mrs. Winslow)

93. In the last 140 years, only four opportunities had arisen for evolution towards independence. The first had been the inclusion of New Caledonia in the list of Territories to be decolonized. That inclusion had lasted only until 1946, but in 1985, thanks to the friends of the Kanak people in the United Nations, especially their neighbours in the South Pacific Forum, New Caledonia had again appeared on the list.

94. The second opportunity had been in 1956, when a framework law opening prospects for independence had been promulgated, but the law had been abrogated in 1963. From then until 1979, there had been a period of regression. With the return of the Socialists to power in France, there had been hopes of a change, but they had not been fulfilled and in 1984 the elections in the Territory had been actively boycotted.

95. The third opportunity had been the approval of the Pisani Statute in 1985, which had provided for the organization of a referendum by 1988, but the formation in 1986 of a "cohabitation" Government in France had also frustrated those hopes. At the end of 1987, there had been much violence.

96. The fourth opportunity had arisen with the Matignon-Oudinot Agreements of 1988, which provided for a self-determination referendum to be held in 1988 and in which the French Government had undertaken to move towards correcting the social and economic inequalities over the 10-year transition period. The Territory was divided into three regions, i.e., the North, the South and the Islands. The Kanaks now controlled the islands, as well as the rural areas of the North. Bureaucratic structures and administrative services would be decentralized, and an effort would be made to promote and preserve the Kanak culture.

97. France was hoping that between now and 1998, the Kanaks would become persuaded of the need to continue belonging to France. The Kanaks, on the other hand, were planning to make the most of that time and to acquire the knowledge and infrastructure they would need for independence.

98. Actually, the South, where 70 per cent of the European population lived, was the region that would benefit the most from the Agreements. That was where most investments had been made and where two thirds of the active population lived, a fact which accentuated the separation of that region with regard to the North and the Islands, and perpetuated the existing privileges. There was an ongoing exodus from the rural areas in the North to Nouméa, which remained the economic and population centre of the Territory, to the detriment of Kanak regions, which were in the minority. Consequently, no real process of decolonization was taking place.

99. At a meeting held in Paris in February 1993 to monitor the Agreements and at a regional seminar on decolonization held in Port Moresby in June 1993, the Front de libération nationale kanake socialiste had clearly stated its view that the programmes designed to redress the imbalances in the economy, education, health care and infrastructure of the Territory had not been adequately implemented. Moreover, no debate had yet been held on the 1998 referendum, and the Front was beginning to doubt that France would meet its obligations.

(Mrs. Winslow)

100. The Front needed partners to help to solve the difficult questions that would be raised in 1998. She asked the Committee to bear in mind a recent resolution on New Caledonia that had been adopted by the South Pacific Forum, reiterating its support for the decolonization of the Territory, and urging France to ensure that the 1998 referendum would be held in accordance with the principles and practices of the United Nations. The resolution also asked the United Nations to send observers to the Territory during the referendum.

101. In conclusion, she said that the Front de libération nationale kanake socialiste was determined to pursue the goals of sovereignty and independence, and that the support of the United Nations for the Kanak people was more important than ever. She thanked the countries of the South Pacific Forum and the Movement of Non-Aligned Countries for their constant support to the cause of the Front.

102. Mrs. Winslow withdrew.

103. Mr. GRIFFO (Spain) said that, although the Belgian delegation would be referring to the question on behalf of the members of the European Community and hence, of Spain, his delegation considered it pertinent to recall the position of the Spanish authorities on the matter of the decolonization of Gibraltar. The United Nations had clearly established the doctrine that was applicable to Gibraltar, and a number of General Assembly resolutions had indicated that the issue of the decolonization of that Territory was not one of self-determination, but of restoration of the territorial integrity of Spain, in accordance with the principles set forth in General Assembly resolution 1514 (XV), which was the cornerstone of the decolonization process promoted by the United Nations.

104. In order to put an end to the colonial situation, the General Assembly had invited the Governments of Spain and of the United Kingdom to hold bilateral negotiations. Thus, pursuant to the Brussels Joint Communiqué of 1984, the British and Spanish authorities had been holding bilateral negotiations aimed at resolving the Gibraltar question, in the light of the doctrine established by the United Nations. The last meeting, held at the level of ministers for foreign affairs, had taken place on 1 March 1993 in Madrid. A number of consensus decisions had also been taken in the framework of the General Assembly, reflecting the progress being made in the negotiating process formally initiated in 1984.

105. The Spanish authorities had expressed their willingness to respect the legitimate interests of the population of Gibraltar, and of Campo de Gibraltar. The representatives of the population had been invited to take part in the negotiations and had done so actively up until 1988.

106. Although the principle of self-determination was not applicable to the question of Gibraltar, the Government of Spain held the view that it should be borne in mind in the decolonization process, along with the legitimate interests, the personality and the identity of the population and, of course, their self-government institutions. The Government of Spain would make every effort to ensure that those aspects were duly guaranteed in the framework of a definitive negotiated solution to the dispute, in accordance with the pertinent General Assembly resolutions.

ORGANIZATION OF WORK

107. Mr. LOHIA (Papua New Guinea), speaking in his capacity as Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, suggested to the Chairman that his intervention as Chairman of the Special Committee should be postponed until the following meeting, in order to allow for a continuation of the discussions of the Fourth Committee. However, he did wish to make a few remarks as Chairman of the Special Committee. Firstly, he stressed the importance of hearing directly from the colonial peoples and their representatives in the Special Committee and the new Fourth Committee. Secondly, he expressed his concern at the inflexibility of the programme of work of the Fourth Committee. A certain amount of time had apparently been allotted for discussing the item on decolonization. In that regard, he wished to ask the Chairman and the members of the Committee to allow for a certain amount of flexibility to discuss important matters before the Committee adopted its resolutions. He was concerned that, as the schedule now stood, there might not be enough time to discuss some of the Special Committee's decisions on South Africa and apartheid.

108. The Committee should examine carefully the recommendations it would be submitting to the General Assembly. Should it not be possible to examine all aspects of the item on decolonization, he hoped that the Chairman would allow for a certain amount of flexibility so that any such matters might be discussed at another time, without regard to the established time-limits.

109. The CHAIRMAN said that the Committee must be flexible in its work, not only with regard to decolonization but with regard also to all the issues before the Committee. Although such questions should be examined in depth, it must be borne in mind that a limited amount of time had been allotted to the Committee. He was prepared, however, to be flexible, bearing in mind the limitations of the programme of work.

110. At the second meeting of the Committee, he had reported that the members of the Special Committee of 24 had been holding consultations with a view to proposing amendments to the Committee's recommendations, bearing in mind the significant changes that were taking place in South Africa. The delegations of the African countries on the Special Committee, particularly the representatives of the front-line States, should be responsible for coordinating those consultations. In that respect, he appealed to the States in question to make every effort to conclude the consultations as soon as possible, in order to comply with the established programme of work.

111. Before adjourning the meeting, he informed members of the Committee that he had received a request for a hearing on Western Sahara, in connection with item 18 of the agenda. He suggested that such communications should be circulated as Committee documents. If he heard no objection, he would take it that the Committee agreed.

112. It was so decided.

The meeting rose at 1.20 p.m.